

Submitted October 5, 2005
Approved As Written
Date October 5, 2005

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 14-05
Wednesday, July 27, 2005**

The City of Rockville Planning Commission convened in regular session in the City Hall Council Chamber Room at 7:10 p.m., Wednesday, July 27, 2005.

PRESENT

**John Britton, Chair
Gerald Holtz Steve Johnson
Frank Hilton Kate Ostell
Robin Wiener**

Present: Art Chambers, Director of Community Planning & Development Services
Jim Wasilak, Chief of Planning
Sondra Block, Assistant City Attorney
Castor Chasten, Planner III
Margaret Hall, Planner II
Rebecca Torma, Planner II

Commissioner Britton reported that the applicants for the Annexation application are not in attendance at this time; therefore, the application will be put on hold until the applicants are present.

Commissioner Britton also noted that items Preliminary Development Plan Amendment PDP2003-0005B for the Cultural Arts Building and Use Permit Amendment USA2003-00674B, Town Square Block 5 have been removed from the Agenda this evening. The items will appear at a later session.

REVIEW AND ACTION

Final Record Plat PLT2004-00435, Timothy A. Tucker

The applicant is requesting approval to create two record lots from an existing 14,150 square foot lot in the R-60 Zone at the southwest corner of Frederick Avenue and Johnson Drive in Lincoln Park.

Ms. Hall presented the staff report. Ms. Hall said that the Planning Commission has seen this application on February 24, 2005. She noted that it was proposed for a two-lot subdivision as it is now. The difference is that they proposed a pipestem lot the first time

because it was not clear about the ownership of property. In the meantime, the applicant has done some research and had a legal determination made. This was supported by the City's legal staff that this property has the right to use Johnson Drive through an easement of implication. With the ability to use Johnson Drive for access to the property cleared up, the only issue remaining is the Zoning Ordinance's requirement that a lot front on a public street. This has been handled in the past through a variance or waiver granted by the Planning Commission from the requirement during action and review of the plat. Ms. Hall stated that the applicant has submitted a request for the variance in order to allow the plat to be approved as resubmitted. Staff supports the variance request, as there would be an undue hardship to create a pipestem lot that provides the required street frontage while access is provided via the easement of implication known as Johnson Drive.

Ms. Hall stated that because they would have the right to use Johnson Drive, the applicant could place one lot that would front on Johnson Drive and one lot that would front on Frederick Avenue and they would not need the pipestem any longer.

The Commission discussed Johnson Drive as a public street, design of the proposed houses, size of the lots, and trash pickup on Johnson Drive.

Commissioner Johnson inquired whether the police, fire and post office read Johnson Drive as an address. Ms. Hall replied that the address is Johnson Drive and the addresses would lie with the residents. She noted that determination has been that residents have the right to use it.

Commissioner Ostell asked whether the proposed new homes would be consistent with Lincoln Park district. Ms. Hall replied that the lots would only produce a 22-foot deep building envelope. The applicant cannot build a mansion type house on the property because of the setbacks. Ms. Hall also stated that the design of the homes would be in keeping with other houses in the community.

Bill Horsinger with Meriden Surveys presented the applicant's request. In response to Commissioner Hilton, Mr. Horsinger stated that he would comply with a condition that requires that the applicant must comply with the setbacks and frontage on Johnson Drive.

Ms. Hall stated for the record that she received a couple of phone calls with regard to a notice that was sent with the wrong date on it and grass had not been mowed there.

Commissioner Hilton moved, seconded by Commissioner Johnson that the Planning Commission finds that extraordinary hardship would result in strict compliance with the requirement that a lot front a public street that granting a variance from that requirement does substantial justice and that the public, health, safety, morals and general welfare will not be impaired and that subject variance will not be contrary to the intent and purpose of the Master Plan and the Zoning Ordinance. The motion passed unanimously.

Commissioner Hilton moved, seconded by Commissioner Johnson to approve Final Record Plat PLT2004-00435, Timothy A. Tucker per staff recommendations with the condition

that the applicant meets the setbacks on a non-public road with the variance that was just read. The motion passed unanimously.

Final Record Plats PLT2005-00445, 00446 & 00447, Lincoln Terrace

The applicant is requesting approval to create 53 townhouse lots and seven single-family detached lots, common areas and street dedication in the R-60 Zone on Moore Drive in Lincoln Park.

Ms. Hall presented the staff report. Ms. Hall stated that this is one of the last steps for development of the former public housing in Lincoln Park. On March 9, 2005, the Planning Commission approved the detailed application and this plat reflects the Homeowners Association property, the City properties, the 53-townhouse lots, and seven single family detached lots. The plat dedicates a portion of Horners Lane, which is on this property.

Commissioner Holtz moved, seconded by Commissioner Ostell to approve Final Record Plats PLT2005-00445, 00446 & 00447, Lincoln Terrace per staff recommendations. The motion passed unanimously.

Use Permit Application USE2004-00677, Richard Montgomery High School

The applicant is requesting approval to construct a new high school, outdoor athletic fields, new football field and bleachers, new site vehicular entrances, surface-parking facilities, install new site infrastructure improvements, and raze the existing high school once the new school is constructed and ready for occupancy in the R-60 Zone at 250 Richard Montgomery Drive.

Commissioner Ostell recused herself as a voting member because she is on the Executive Board of the Organization to get the new high school constructed as soon as possible. Commissioner Britton asked legal for advice. He does not see a conflict on what she has done for community promotion of the new high school. Ms. Block replied that Commissioner Ostell must determine whether or not her commitment to the school would interfere with her ability to be objective in considering this use permit. Commissioner Ostell stated that she would very much dislike seeing this new school delayed. Therefore, it was determined that Commissioner Ostell would recuse herself from voting, but would participate in the discussion.

Mr. Chasten presented the staff report. Mr. Chasten stated that the proposal is for a new Richard Montgomery high school. Mr. Chasten stated that in order to construct the new school at the noted building height, the applicant submitted Variance Application APP2003-00795, a request for a zoning variance of 13 feet from the 35-foot height limit of the R-60 Zone. This variance was granted by the Board of Appeals on June 7, 2003.

Mr. Chasten stated that the school is located on approximately 26.2 acres and is accessed by pedestrians and vehicles via Fleet Street, Richard Montgomery Drive and Mount

Vernon Place. The existing school is located in the southern area of the site with on-site surface parking facilities located in the front northeast area of the site. Vehicular access to parking located in the front of the site is via Richard Montgomery Drive and Fleet Street. Additional onsite parking is also located at the rear of the building, accessed via Mount Vernon Place. Based on the information provided, there are currently a total of 325 parking spaces onsite.

Mr. Chasten stated that the school's baseball and football fields, which are encircled by a running track, are located in the northern and central areas of the site.

Mr. Chasten stated that the high school site would be fully redeveloped in two phases. The first phase will include demolition of Park Street School facility, the abutting property at the northwest corner of the site and construction of the new school, while the existing building is in operation. The first phase of development is scheduled to begin in July 2005 and will be completed by July 2007. The second phase will include demolition of the old high school, construction of new baseball, softball, football and soccer fields, tennis courts, and new site surface parking. The second and final phase of development is scheduled to begin in July 2007 and would be completed by August 2008. Mr. Chasten stated that, when the new four-story school is completed, the building would contain 309,284 square feet of floor space and would have 222 staff members. There will be 190 full time and 32 part time staff persons. The new school will be 75,968 square feet larger than the old school, 33 percent larger from 233,318 square feet to 309,284 square feet. It is projected that school capacity will increase by approximately 901 students, 62 percent from 1,499 to 2,400 students. It was also projected that the school's existing enrollment of 1,712 students for fiscal year 2002 would increase to 1,837 students by fiscal year 2008.

Mr. Chasten stated that there would be approximately 327 on-site parking spaces provided. Under the proposed site redevelopment, there would be no vehicular access to and from Mount Vernon Place. The only access from Mount Vernon Place would be provided via pedestrian walkways. Visitor parking and parent drop-off parking would be provided in front of the school, adjacent to the new on-site bus loop. These parking lots have been designed to separate and facilitate bus and other vehicular traffic entering and exiting the main entrance area of the school.

In response to Commissioner Wiener, Ms. Marks explained that staff was very careful in looking at this project about pedestrian traffic to make sure that in the design of the new building; the applicant would be putting in additional sidewalks, and a bike path up to Mt. Vernon Place. She stated that for the intersection of Fleet Street and Richard Montgomery Drive, a further study would be done. Ms. Marks clarified Condition 2h to change the contribution for a traffic signal in that intersection from \$40,000 to \$25,000. There will be a bus shelter installed in that area. Commissioner Wiener expressed her concern regarding students crossing Rt. 355 as well as Wootton Parkway and asked if there should be a light for the walkway in that area. Ms. Marks replied that staff has continually worked with the SHA and unless there is an overpass, staff can only work with the infrastructure that is out there.

Commissioner Wiener stated her concern whether the new high school building to be completed in 2008 would be large enough. Mr. Wasilak replied that that question would be more appropriately addressed to the applicant. Commissioner Wiener also noted that there are some large sinkholes in the football field.

Commissioner Wiener expressed concern with the decrease of parking and overflow of parking in the neighborhood. Mr. Chasten replied that the school would not really be losing parking spaces.

James Song, Director of Division of Construction for Montgomery County Public Schools presented the applicant's request. Mr. Song explained that they have been working with the community and the PTSA. He spoke about the walking path between Rt. 355 and Mt. Vernon Place, the widening of Fleet Street, a biker path and extension of the sidewalk to Mt. Vernon Place. There will be significant improvements made to that area. Mr. Song stated that the contribution related to the signal light was brought up a few days ago with the City staff. He said the proposal for a signal light was new and unanticipated as well as not budgeted. Therefore, he said they negotiated with staff and the \$25,000 contribution is the result of that discussion. Mr. Song talked about parking spaces with regard to the size of the site. He said the building has grown significantly from approximately 240,000 to 310,000 square feet. In order to make the most efficient use of the site is to decrease the building footprint and allow as much parking space on the site while maintaining all the athletic programs for the ball fields. They are fortunate to maintain the similar number of existing parking spaces. Mr. Song talked about the growth of the student population. MCPS is anticipating that the size of the school building would be adequate for the student growth with a plan to add on 14 classrooms. Mr. Song explained that the sinkholes appeared about three or months ago and they will put a temporary fill in those holes for safety reasons. The eroding storm drains will be removed and taken care of during the project.

Commissioner Wiener questioned the parking and asked whether the Board of Education would devise a plan for getting people in and out of that site for football games, etc. Mr. Song stated that there would be carpools, shuttle services, etc. He noted that these events are happening in most schools. He said that the school management would have to develop a management program to regulate the traffic impact throughout the neighborhood.

Commissioner Holtz inquired about the increasing enrollment and additional classrooms. Commissioner Holtz also inquired whether portables would also be added. Mr. Song replied that the proposed plan is a partial four-story building for the additional classrooms, should they be needed in the future. Commissioner Holtz asked if the MCPS's projection would not exceed 2400 students, and if it does, what could be done. Mr. Song replied that the current theory is that there are other solutions such as building another high school nearby.

Commissioner Hilton stated that when the Commission considered the Town Center construction, it required of the developers that they come up with a construction-siting plan, which included traffic flow, construction vehicles, staging of materials, etc. He asked

whether the County would provide those and would the County be willing to provide those to the City for review. Mr. Song replied that they are more than willing to do so. Commissioner Hilton proposed to make that as a condition.

Commissioner Hilton asked if there have been any substantial changes in elevations and materials or look and feel of the building as stated in the approved applications. Mr. Song replied that no changes have been made.

The following citizen testified:

Kate Savage stated that she is speaking on behalf of Richard Montgomery High School's PTSA. She said that the PTSA wishes to provide input to the Commission's consideration for the very long waited for the construction of the high school facility. She said that they want to ensure that the needs of students and staff as well as their neighboring civic associations are taken into account as the construction moves forward. Ms. Savage stated that as the Commission reviews this application that it would include language that requires the establishment of a clear pattern of communication and involvement with the community, PTSA, etc. about the construction as it moves along. They would like to ensure timely and accurate responses to community concerns such as pedestrian safety, noise containment, traffic and construction timelines. Commissioner Britton suggested that they communicate with construction, school, etc. Ms. Savage stated that they have organized a task force to make sure that they have the lines of communication open with MCPS. They already have pedestrian safety concerns and need to be working together.

In response to Commissioner Britton, Ms. Savage explained that the PTSA has been putting together a construction task force will be available to work and address the concerns. Ms. Savage stated that they are also including a pedestrian safety and architecture construction committees to work all of the people involved in this project.

Commissioner Wiener asked whether a project manager would oversee the entire project. Ms. Savage replied that PTSA works with MCPS as well as the architecture committee. Commissioner Wiener asked if the project manager is the main contact. Mr. Song replied that Dennis Cross is the project manager as well as and Michael Shpur will be the main contacts for the project.

The Commission discussed concerns regarding the construction zones with regard to students coming and going to and from the school, students crossing Rt. 355 and communication between MCPS and the City.

Commissioner Holtz moved, seconded by Commissioner Wiener to approve Use Permit Application USE2004-00677, Richard Montgomery High School per staff recommendations with a modification of Condition 2h set forth in the staff report to change \$40,000 contribution to \$25,000, and a condition that would require the review of construction staging and a condition related to an open line of communication between the PTSA committees, City staff, and the MCPS project people. The motion passed on a vote of 5-0.

RECOMMENDATION TO THE MAYOR AND COUNCIL**Comprehensive Planned Development Detailed Application CPD2005-002AL, King Farm Presbyterian Retirement Community, Inc. (Ingleside at King Farm)**

The applicant is requesting approval to construct senior housing uses including independent living, assisted living and nursing homes and related recreation and common use facilities located at King Farm Irvington Centre; west of Gaither Road, between Piccard Drive and King Farm Boulevard.

Ms. Torma presented the staff report. Ms. Torma stated that the original concept plan for this property was for office space; it has been amended for senior housing. In March 2005, the Mayor and Council approved an amendment to the Concept Plan that would allow for a senior housing complex within the Irvington Centre section of King Farm. The height was not amended. In place of office, they would permit 1.2 million square feet of independent living, assisted living, and/or nursing homes uses, and related recreational and common use facilities. The detailed application is for six to ten stories of senior housing and three buildings that are comprised of 529 independent units, 53 assisted units and 68 nursing beds. The buildings will be served by 782 underground parking spaces and the buildings will be built in 3 phases. The first phase would be built along King Farm Boulevard. The second phase is Phase IIA will be located on the northeast side of the property and will have frontage on the access drive only. The third and final phase (Phase IIB) will be located on the northwest portion of the site with frontage along Piccard Drive. The building would be constructed of red brick with simulated off-white limestone. The roof will be a metal slate colored.

Commissioner Holtz inquired about the SWM pond. Ms. Torma stated that the applicant could answer that question.

Commissioner Wiener inquired about the public arts in public spaces. Ms. Torma replied that the applicant must provide the correct information to staff to make sure that they are exempt. She noted that staff would include that as a condition and if they are exempt than the condition would be void.

Commissioner Wiener asked about handicapped parking requirement. Ms. Torma replied that they are well over the parking requirement.

The Commission discussed concerns about handicapped parking, access roads, cut-through roads, loading areas, sidewalks, bus routes, bike parking, pedestrian access, and MPDU components.

In response to the Commission, Ms. Torma stated that 67 MPDUs are required at a 12.5% rate.

Barbara Sears, Attorney, presented request. Ms. Sears discussed the decorative ponds, parking, character of the streets, meetings with the community, types of services and amenities for senior citizens, and modifications to the staff recommendations. Ms. Sears stated that all of the conditions as amended are acceptable to the applicant.

Glenn Tipton, Senior Vice President with CSD Architects, presented specific architectural design of the buildings. He presented the materials and elevations of the buildings.

The Commission further discussed recycling, trash collections, and Art in Public Places.

Commissioner Johnson moved, seconded by Commissioner Hilton to recommend approval of Comprehensive Planned Development Detailed Application CPD2005-002AL, King Farm Presbyterian Retirement Community, Inc. (Ingleside at King Farm) to the Mayor and Council per staff conditions as amended. The motion passed unanimously.

Final Record Plat PLT2005-00448, King Farm Associates

The applicant is requesting approval for a single record lot to accommodate the Ingleside Senior Housing development.

Mr. Wasilak presented the staff report. He said the applicant is requesting to create one lot. He noted that the Ownership Plat would subsequently be filed to accommodate different ownership of the different blocks within a single record lot.

Commissioner Hilton moved, seconded by Commissioner Wiener to approve Final Record Plat PLT2005-00448, King Farm Associates per staff recommendations. The motion passed unanimously.

PUBLIC HEARING

Annexation Application ANX2005-00137, Steven A. and Tracy L. Clark

The applicant is requesting approval for the annexation of 1.06 acres at 9101 Scott Drive in the Potomac High Lands subdivision.

Mr. Chasten presented the staff report. Mr. Chasten stated that the property is presently improved with a single detached dwelling. The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage (minimum lot size of 20,000 square feet). The property abuts land within the City of Rockville's corporate limits to the north and east, which are zoned R-E, Residential Estates and R-150, Medium Density Residential. The applicant's property is located on the north side of Scott Drive and northeast of Carriage Court. Mr. Chasten stated that the site does have access to public water services, which are located along Scott Drive. The applicant's property is currently served by a private well and septic system. The applicant's system is failing. The property is not located within the Washington Suburban Sanitary Commission (WSSC). Therefore, water and sewer services cannot be provided by that agency. While the City of Rockville

public water services is available along the site's Scott Drive frontage, sewer service is available approximately 700 feet east of the subject site, via sewer service lines that traverse Scott Drive. Upon annexation, the property would then be allowed to access City water and sewer services. The petitioners request the Mayor and Council zone the parcel for R-150 (Medium Density Residential) land usage, upon annexation from Montgomery into the City of Rockville. Staff, however, would recommend the property be placed in the City R-E (Residential Estate) zone, which has a minimum lot size requirement of 40,000 square feet, hence more comparable to the actual size of the subject site.

Mr. Steven Clark, applicant, presented his request. He stated that his septic system has failed. They are just getting standing water in the back yard. If the City does not allow this process to continue, he would be forced to pump out the system every three months, which is very expensive. He understands that this is becoming a major issue in this community for many of the other residents who are not close to the City of Rockville.

Commissioner Hilton asked staff if the City has a requirement for annexation that for the first five years that the zoning applied to the property be consistent with the zoning in the County. He asked staff if the R-E zone is consistent with the County's R-150 zone. Mr. Chasten stated that the R-E Zone is consistent with the County's Master Plan. The R-E Zone is contiguous with City property, north and east.

In response to the Commission, Mr. Clark said he was fine with the R-E Zone for his property.

Commissioner Johnson moved, seconded by Commissioner Holtz to recommend approval of Annexation Application ANX2005-00137, Steven A. and Tracy L. Clark to the Mayor and Council per staff recommendations. The motion passed unanimously.

Commissioner Holtz moved, seconded by Commissioner Ostell to recommend approval of Annexation Application ANX2005-00137, Steven A. and Tracy L. Clark to the Mayor and Council that the zoning for the property be rezoned to R-E. The motion passed unanimously.

COMMISSION ITEMS

Chief of Planning Report

Mr. Wasilak stated that the next Planning Commission meeting has been scheduled for Monday, August 15. Commissioner Holtz stated that he would not be available and Commissioner Ostell stated that she might be able to attend. Mr. Wasilak stated that the meeting would be held at the Senior Center in the Carnation Room.

Mr. Wasilak stated that the Agenda would include the two items removed from tonight's agenda as well as a special exception for Strayer University and Chestnut Lodge.

Commissioner Hilton asked whether there has been advertisement for a 7th Commissioner. Mr. Wasilak stated he did not know, but would check with the City Clerk.

Mr. Wasilak pointed out that staff did distribute the Mansionization document to Commission and there should be a process coming forward.

ADJOURN

After further discussion, the meeting adjourned at 9:13 p.m.

Respectfully submitted,

Tyler Tansing, Commission Secretary